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Patent
Attorney's Docket No. 032326-057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#9

In re Patent Application of

Stephanie Ayala et al.

Application No.: 09/545,288

Filed: April 7, 2000

For: METHOD FOR MAKING SMART
CARDS CAPABLE OF OPERATING
WITH AND WITHOUT CONTACT

)
)
) Group Art Unit:

)
) Examiner:

)
) Confirmation No.:

RECEIVED

OCT 25 2004

OFFICE OF PETITIONS

**PETITION TO REVIVE
(Unintentional)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A response to a restriction requirement was filed in the subject application on November 27, 2001. Subsequently, the Examiner called the offices of the undersigned and requested that a copy of the response be faxed to him, which was done on June 14, 2002. Since that time, no further communication was received from the Patent and Trademark Office.

The PAIR listing for the application indicates that a Notice of Abandonment was apparently mailed on July 12, 2002. However, a copy of that Notice was never received at the offices of the undersigned. Upon checking with the Patent Office, the application was held abandoned on the grounds that the response filed November 22, 2001 was not accompanied by a petition for extension of time and the requisite fee, and was therefore considered untimely.

Applicants hereby petition under 37 CFR §1.137(b) for revival of the subject application on the grounds that the Response filed November 27, 2001 was a bona fide attempt to respond to the Office communication, and the abandonment due to the failure to include a Petition for Extension of Time was unintentional. This petition is accompanied by the following items:

1. Check in the amount of \$1370 for the fee under 37 CFR §1.17(m); and
2. A copy of the Response filed November 27, 2001.

The entire delay in filing the Response from the due date for the reply to the filing of this Petition was unintentional.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 19, 2004

By: _____

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